

## **BOARD FINAL RECOMMENDATIONS TITLE ACT STUDY**

### **Issue 1: Overlap**

#### **Recommendation :**

Some overlap should be allowed for all Practice Act disciplines.

- Overlap amongst Practice Acts should be limited to being “in connection with and incidental to” the specific discipline/branch.
- Board Rule 415, Practice Within Area of Competence, or some form of a requirement to practice only within the area of one’s competency, should be moved to statute, and should be connected to the allowance for overlap.
  - Specific language should also be added to the statute to allow the Board to take disciplinary action against a licensee who practices outside the area of competency.

### **Issue 2: Responsible charge**

#### **Recommendation:**

- Responsible charge will be required of those disciplines that are converted to practice acts.

### **Issue 3: Eliminate protection of only the title and offer practice and title protection to all regulated disciplines**

#### **Recommendation:**

- Standalone Title Acts are not effective regulatory mechanisms and should be abolished. The existing Title Acts should go through the legislative Sunrise process at the same time to determine whether each specific discipline should be converted to a practice act or eliminated altogether.
  - All Title Acts which are not converted to Practice Acts will be eliminated through the Sunset process.
  - The Board recommends that any Title Act discipline that is eliminated should be dealt with in the same way as the corrosion, quality, safety and manufacturing were dealt with. When each of those disciplines was eliminated, the examination was discontinued for future applicants, and existing licensees retained the authority to continue to use the title of “professional engineer.”
- During the Sunrise process, the Board will provide testimony and may make recommendations to the Legislature regarding whether a specific discipline should be converted to a practice act or eliminated.

- The Board believes it should have an important role in the process in order to carry out its mandate of protection of the public
- The Legislature should consider using the existing Title Acts discipline definitions as contained in Board Rule 404, Definitions.
- Retain title protection for each discipline that becomes a Practice Act.

**Issue 4: Track education, examinations taken and job experience at time of application and make limited information on licensees available to the public**

**Recommendation:**

- Collection of information should be reviewed by the Board to determine the methods of collection, reasons for collecting the information, and what, if any, of that information should be provided to the public consistent with existing law.

**Comments:**

- The Board agrees that the collection of information would assist in future studies of the type ISR performed and in reviewing trends in enforcement actions and low pass rates on examinations. However, due to budget and personnel cuts, the Board is unable to implement this recommendation. Instead, the Board will place this item in its Strategic Plan so that the Board can determine which information to collect and which information, if any, should be released to the public consistent with existing law. This will also assist in obtaining funding for an integrated database in the future.

**Issue 5: Maintain useful records on applicants for licensure and complaints against licensees**

**Recommendation:**

- The Board should review the development of a comprehensive integrated database and associated costs.

**Comment:**

- The Board agrees that the collection of information, consistent with existing law, would assist in future studies of the type ISR performed and in reviewing trends in enforcement actions and low pass rates on examinations. However, due to budget and personnel cuts, the Board is unable to implement this recommendation. Instead, the Board will place this item in its Strategic Plan so that the Board can determine which information to collect and which information, if any, should be released to the public consistent with public law. This will also assist in obtaining funding for an integrated database in the future.

## **Issue 6: Reporting of legal actions**

### **Recommendation:**

- Reporting of legal actions, including criminal convictions and civil court judgments, settlements, and arbitration awards, should be required of licensed engineers and land surveyors.
- Statutory language should include:
  - Only those civil actions related to or resulting from the practices of professional engineering and professional land surveying would have to be reported
  - Reports should be exempt from disclosure under the Public Records Act, the Information Practices Act, or through subpoena
  - The dollar amount for the reporting requirement should be set at \$50,000
  - Other entities/individuals who must report (such as employers, insurers, courts, self-insured)

## **Issue 7: Assess continued regulation of engineering branches after legal actions and more comprehensive complaint data and insurance premium and claims data are available**

### **Recommendation:**

- Limited accessibility to insurance data will make collecting insurance data impractical.
- Legal actions should be collected pursuant to Issue 6.

### **Comment:**

- The Board believes that this data should be collected, consistent with existing law, in the same integrated database as that which will maintain education, examination, experience, and enforcement data. However, due to budget and personnel cuts, the Board is unable to implement this recommendation. Instead, the Board will place this item in its Strategic Plan so that the Board can determine which information to collect and which information, if any, should be released to the public consistent with existing law. This will also assist in obtaining funding for an integrated database in the future.

## **Issue 8: Creation and regulation of new disciplines**

### **Recommendation:**

- Any new discipline, such as environmental engineering, seeking licensure should go through the existing legislative Sunrise process.

**Issue 9: Standardization of goals, methodologies and analytical techniques used in job analyses by NCEES and other vendors**

**Recommendation:**

- The Board should continue to be responsible for ensuring that its examinations are developed through a valid process and that all goals, methodologies and analytical techniques used in job analyses should conform with existing psychometric standards.

**Issue 10: Maintenance of non-proprietary data files by California and NCEES describing job analyses**

**Recommendation:**

- The Board should continue to be responsible for ensuring that its examinations are developed through a valid process and that all data files remain with the body responsible for conducting the job analyses.